

**Testimony by Mike Lawlor, J.D., Associate Professor of Criminal Justice, University of
New Haven, in Support of S.B. 753**

**An Act Concerning the Counting of Incarcerated Persons for Purposes of Determining
Legislative Districts**

Madam Chair Flexer, Mr. Chairman Fox, and members of the Committee,

My name is Mike Lawlor, and I am a professor of criminal justice at the University of New Haven. For 24 years, I represented East Haven's 99th District in the Connecticut House of Representatives, serving as the Chair of the House Judiciary Committee from 1995 to 2011 and leading a wide variety of criminal justice reforms.

After my time in the General Assembly, I served as the Undersecretary of Criminal Justice Policy and Planning in Governor Dannel Malloy's administration from 2011 to 2019. There, I devoted myself to working with stakeholders across the state to build a positive vision for Connecticut, fine-tuning our criminal justice system to be smart on crime and building a "Second Chance Society."

I currently serve on the New Haven Board of Police Commissioners and the Connecticut Police Officer Standards and Training Council.

Having dedicated my career to criminal justice reform, I am happy to testify in support of S.B. 753. It is time for Connecticut to finally abolish the racially biased and undemocratic practice of "prison gerrymandering".

Over the past decade, Connecticut has become a national leader on criminal justice reform. As legislators you, together with countless criminal justice professionals and community advocates, have reduced crime to historic lows, abolished the death penalty, implemented juvenile justice and bail reforms, closed prisons across the state, and reduced penalties for and decriminalized or outright legalized nonviolent drug possession. As a result, our criminal justice system is more fair and more just, and states in this region and around the entire country look to Connecticut for our leadership on criminal justice issues.

But your work is far from complete. Prison gerrymandering is a relic of this country's shameful past, when the government discounted and disenfranchised Black people. While ten states across the country have enacted legislation to abolish prison gerrymandering—including California, New Jersey, New York, and Virginia¹—Connecticut has yet to abandon this terrible legacy.

Prison gerrymandering is fundamentally incompatible with our state's values.

First, prison gerrymandering undermines the enormous work that you and your predecessors did over the last decade to make Connecticut a "Second Chance Society." When the state relocates someone from a Bridgeport neighborhood to an Enfield correctional facility, that person's body

¹ Press Release, Prison Policy Initiative, Illinois Governor J.B. Pritzker Signs Law Ending Prison Gerrymandering (Feb. 25, 2021), <https://www.prisonersofthecensus.org/news/2021/02/25/illinois-victory>.

might move, but their *life* stays home with their families, their children, their churches, their communities. People with close, positive community ties do far better after leaving prison than those who are uprooted. We should be *strengthening* those ties, not *breaking* them. But prison gerrymandering does just that: the state counts the body where the prison happens to be, not in the place where the person will return home. It is unfair, and it is bad policy.

When I represented East Haven, some of my constituents were incarcerated. I heard from them and their families, and I recognized that it was my responsibility to try to address their concerns as their representative. Not once did I respond to a request from an incarcerated East Haven resident by directing them to the state representative whose district included their prison. This would have made no sense. My incarcerated constituent, their family, and I all knew that their community was East Haven—where they would soon return—not Enfield, Somers, Montville, or Cheshire.

Second, prison gerrymandering distorts our system of political representation by denying meaningful representation to communities with larger numbers of incarcerated people. Certain areas are disproportionately affected by the practice. For example, in 2012, five cities—Hartford, New Haven, Bridgeport, Waterbury, and New Britain—accounted for half of the state’s prison population.² Prison gerrymandering dilutes the power of these communities by refusing to count incarcerated residents as part of them for redistricting purposes.

Third, prison gerrymandering undermines trust in the criminal justice system among Black and Hispanic residents. For decades, Connecticut’s criminal justice system has repeatedly failed communities of color, failures put on stark display in the protests and activism of 2020. These communities are most harmed by prison gerrymandering, which effectively shifts representation from largely Black and Hispanic cities to white and rural communities. This distortion of political power, the direct result of mass incarceration, exacerbates our Black and Hispanic residents’ mistrust of the criminal justice system.

Finally, prison gerrymandering is contrary to Connecticut law and the U.S. Constitution. Connecticut law explicitly states that no person can lose their residence because they have been incarcerated in a state institution.³ The U.S. Supreme Court has repeatedly held that incarcerated people are not residents where they are incarcerated.⁴ Simply put, the law recognizes that prison gerrymandering counts incarcerated people in the wrong place.

With Connecticut’s decennial redistricting process already begun, the time to act is now. The General Assembly must enact S.B. 753 to abolish prison gerrymandering before the state draws new maps for the next decade. Connecticut can—and should—lead on criminal justice and racial justice once again.

² CHRISTOPHER REINHART, OFFICE OF LEGISLATIVE RESEARCH, CONNECTICUT GENERAL ASSEMBLY, 2012-R-0323 (2012).

³ See Conn. Gen. Stat. §§ 9-14, 9-14a (2018) (“No person shall be deemed to have lost his residence in any town by reason of his absence therefrom in any institution maintained by the state.”).

⁴ See *Franklin v. Massachusetts*, 505 U.S. 788, 804 (1992); *Evans v. Cornman*, 398 U.S. 419, 426 (1970).